

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

PAUL N. ROYAL as Administrator *ad Litem* for the
Estate of RICKY JAVENTIA BALL, Deceased,

Plaintiff,

vs.

Docket No.: 1:16CV176 – GHD-RP

CANYON BOYKIN, Individually and
in his Official Capacity as an Officer of the
Columbus Police Department;
JOHNNY BRANCH, Individually and
in his Official Capacity as an Officer of the
Columbus Police Department;
YOLANDA YOUNG, Individually and
in her Official Capacity as an Officer of the
Columbus Police Department;
GARRETT MITTAN, Individually and in
His Official Capacity as an Officer of the
Columbus Police Department;
JOHN DOES I-X, Individually and
in their Official Capacity as Officers of the
Columbus Police Department;
TONY CARLETON, Individually and
in his Official Capacity as Chief of Police of
the Columbus Police Department;
CITY OF COLUMBUS, MISSISSIPPI,

Defendants.

**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE AS TO DEFENDANTS
BRANCH, YOUNG & MITTAN IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY**

COMES NOW, the Parties in this case, Plaintiff, Defendants Branch, Young & Mittan, in
their individual capacities and official capacities, Defendant Boykin, in his individual capacity
and official capacity, Defendant Carleton, in his individual capacity and official capacity,
Defendant City of Columbus, by and through counsel and pursuant to Federal Rule of Civil
Procedure 41(a), and hereby inform the Court that the Plaintiff wishes to dismiss all claims

against Defendants Branch, Young & Mittan, in their individual and official capacity, with prejudice, with Plaintiff and Defendants Branch, Mittan & Young to each bear their own costs and attorney fees. As a further condition of this Joint Stipulation, Plaintiff and Defendants Branch & Mittan have agreed to appear for deposition and/or trial without the necessity of a subpoena at a mutually agreeable time and/or upon service of a subpoena on their counsel for record in this case. As a further condition of this Joint Stipulation, Counsel for Defendant Young has agreed to use their best efforts to speak with Defendant Young and have her agree to appear at deposition and/or trial without the necessity of the subpoena at a mutually agreeable time and/or agree to be authorized to accept a subpoena on her behalf. In the event, that Counsel for Defendant Young cannot communicate with Defendant Young, Counsel for Defendant Young agrees to provide Plaintiff's Counsel with Defendant Young's last known address and telephone number to allow Plaintiff to locate Defendant Young.

Plaintiff's claims against Defendant Boykin, in his individual and official capacity, Defendant Carleton, in his individual and official capacity and City of Columbus remain for adjudication and will not be affected by this stipulation of dismissal.

WHEREFORE, PREMISES CONSIDERED, the Parties hereby agree that the Plaintiff's claims against Defendants Branch, Mittan & Young, in their individual capacity and official capacity, shall be dismissed with prejudice, with Plaintiffs and Defendants Branch, Mittan & Young to bear their own costs and attorney fees, with the further stipulations set forth above regarding the depositions and/or trial testimony of Defendants' Branch, Mittan & Young in this case.

Respectfully submitted,

By: /s/ Andrew C. Clarke
ANDREW C. CLARKE (9491)

6250 Poplar Avenue, Second Floor
Memphis, TN 38119
(901) 590-0761 (Telephone)
aclarke@accfirm.com
Counsel for Plaintiff

By: /s/ Danese K. Banks
DANESE K. BANKS (TNBPR No. 17705)
THE COCHRAN FIRM MEMPHIS
One Commerce Square, Suite 1700
Memphis, TN 38103
(901) 523-1222 (Telephone)
(901) 523-1999 (Facsimile)
dbanks@cochranfirm.com
Counsel for Plaintiff

By: /s/ Errick D. Simmons
Errick D. Simmons
P. O. Box 1854
Greenville, Mississippi 38702
edsimmons@simmonspllc.com
Counsel for the Plaintiff

By: /s/ Katherine S. Kerby
Katherine S. Kerby, Esq. (3554)
KERBY LAW FIRM, LLC
P. O. Box 551
Columbus, Mississippi 39703 ksearcyk@bellsouth.net
Counsel for the City of Columbus and Chief Carleton

By: /s/ Zach Bonner
Zach Bonner, Esq.
MCCRANEY MONTAGNET QUIN & NOBLE, PLLC
602 Steed Road, Suite 200
Ridgeland, Mississippi 39157-9428
zbonner@mmqnlaw.com
Counsel for Young, Branch and Mittan

By: /s/ J. Richard Barry
J. Richard Barry, Esq. (2077)
BARRY THAGGARD MAY & BAILEY, LLP
505 Construction Ave.
Meridian, MS 39301
barry@btmblaw.com
Counsel for Defendants Young, Branch and Mittan

By: /s/ James C. "Cory" Griffin

James C. "Cory" Griffin, Esq. (104566)

BARRY THAGGARD MAY & BAILEY, LLP

505 Construction Ave.

Meridian, MS 39301

barry@btmblaw.com

Counsel for Defendants Young, Branch and Mittan

By: /s/ Jeff Reynolds

Jeff Reynolds (5305)

Jeffery P. Reynolds, P.A.

P. O. Box 24597

Jackson, Mississippi 39225

Counsel for Officer Boykin

CERTIFICATE OF SERVICE

I, James C. "Cory" Griffin, do hereby certify that I have this date served the following with a copy of the following has been served on all counsel of record pursuant to the Court ECF filing system, including:

Katherine S. Kerby, Esq.

KERBY LAW FIRM, LLC

P. O. Box 551

Columbus, Mississippi 39703

ksearcyk@bellsouth.net

Counsel for the City of Columbus and Chief Carleton

Zach Bonner, Esq.

MCCRANEY MONTAGNET QUIN & NOBLE, PLLC

602 Steed Road, Suite 200

Ridgeland, Mississippi 39157-9428

zbonner@mmqnlaw.com

Counsel for Officer Young, Officer Branch and Officer Mittan

Sean Guy, Esq.

MCCRANEY MONTAGNET QUIN & NOBLE, PLLC

602 Steed Road, Suite 200

Ridgeland, Mississippi 39157-9428

sguy@mmqnlaw.com

Counsel for Officer Young, Officer Branch and Officer Mittan

J. Richard Barry, Esq.

BARRY THAGGARD MAY & BAILEY, LLP

505 Construction Ave.

Meridian, MS 39301 barry@btmblaw.com

Counsel for Officer Young, Officer Branch and Officer Mittan

Jeff Reynolds
Jeffery P. Reynolds, P.A.
P. O. Box 24597
Jackson, Mississippi 39225
Counsel for Officer Boykin

THIS, the 16th day of October, 2017.

/s/ James C. "Cory" Griffin
James C. "Cory" Griffin